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Human Rights Committee
Ninety-fifth session

Summary record (partial)* of the 2598th meeting
Held at Headquarters, New York, on Monday, 16 March 2009, at 10 a.m.

Temporary Chairperson: Ms. Neuwirth (Representative of the Secretary-General)
Chairperson: Mr. Iwasawa

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.25 a.m.

Opening of the session by the representative of the Secretary-General

1. **The Temporary Chairperson** welcomed the four new members of the Human Rights Committee, which played a central role in the United Nations human rights machinery. The Committee's valuable work for the effective promotion and protection of human rights was recognized by the international community, and she looked forward to working closely with its members.

2. A number of important developments had occurred since the Committee's previous session. On 10 December 2008, the General Assembly had adopted by consensus the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which established a long-sought-after procedure for individual complaints, inquiries and inter-State communications concerning violations of the rights enshrined in the Covenant.

3. The Committee on the Rights of Persons with Disabilities had been established at the first Conference of States Parties to the Convention on the Rights of Persons with Disabilities on 3 November 2008 and had met in Geneva for the first time from 23 to 27 February 2009. Its work would largely focus on discrimination issues, which should give rise to fruitful collaboration with the Human Rights Committee.

4. The eighth inter-committee meeting of human rights treaty bodies held in December 2008 had been dedicated exclusively to the harmonization of their working methods, including the possibility of enhancing the decision-making role of the inter-committee meeting with a view to the harmonization of those methods. To that end, the meeting had focused on the revised treaty-specific guidelines, the universal periodic review mechanism of the Human Rights Council and follow-up to concluding observations. With regard to the latter, the establishment of a working group or task force had been proposed in order to identify best practices and possible areas of harmonization. The Human Rights Committee's contribution to that exercise would be essential.

5. For its part, the New York Office of the United Nations High Commissioner for Human Rights aimed not only to facilitate the national implementation of treaty body recommendations, but also to promote awareness and understanding of the treaty body system. To that end, the Office would aim to ensure that regular training workshops were held on the reporting and implementation work of treaty bodies and that in the near future technical cooperation between them would become more systematic and sustainable.

6. The tenth session of the Human Rights Council was being held from 2 to 27 March 2009. Since the Committee's previous session, the Council had also held three special sessions: on the human rights situation in the east of the Democratic Republic of the Congo, on grave violations of human rights in the Gaza Strip, and on the human rights implications of the global economic and financial crises.

7. The Durban Review Conference to be held in Geneva in April 2009 would deal with issues of racism, racial discrimination, xenophobia and related intolerance, which were of direct relevance to the Committee's work. Indeed, the Chairperson of the Committee would shortly receive an invitation to attend the Conference and should make a valuable contribution to its work on behalf of the Committee.

8. Following the fourth session of the Universal Periodic Review, which had taken place in February 2009, a total of 64 countries had been reviewed. In that connection, she noted that Switzerland and the Russian Federation, whose periodic reports would be considered at the current session during the meetings of country report task forces, had already undergone universal periodic reviews.

9. Vanuatu and the Bahamas had ratified the Covenant on 21 November 2008 and 23 December 2008 respectively, bringing the total number of States parties to 164. Rwanda, Uzbekistan and Nicaragua had also ratified the Second Optional Protocol to the Covenant on 15 December 2008, 23 December 2008 and 25 February 2009 respectively, bringing to 71 the total number of States parties to the Protocol. Furthermore, Estonia had submitted its third periodic report, Cameroon its fourth periodic report, Belgium its fifth periodic report, and Colombia, El Salvador and Poland their sixth periodic reports.

10. The agenda of the current session was very full, including examination of the initial report of Chad, the second periodic report of Rwanda, the fifth periodic report of Australia and the sixth periodic report of

Sweden. In addition, the Committee's country report task forces would adopt lists of issues on the second periodic reports of Moldova and Croatia, the third periodic report of Switzerland, the fourth periodic report of the United Republic of Tanzania and the sixth periodic report of the Russian Federation.

11. Lastly, during the current session the Committee would consider a large number of communications and would continue to discuss its working methods, focusing in particular on its revised reporting guidelines. In addition, the Committee would finalize its consideration of general comment 33 on States parties' obligations under the Optional Protocol to the Covenant, initiate work for a revised general comment on article 19 of the Covenant and consider the progress reports submitted by the Special Rapporteur for follow-up on concluding observations and the Special Rapporteur for follow-up on Views.

Solemn declaration by newly elected members of the Committee in accordance with article 38 of the Covenant

12. *At the invitation of the Temporary Chairperson, the new members of the Committee — Mr. Bouzid, Mr. Fathalla, Mr. Salvioli and Mr. Thelin — solemnly undertook to discharge their duties impartially and conscientiously, in accordance with article 38 of the Covenant and rule 16 of the Committee's rules of procedure.*

13. *The meeting was suspended at 10.35 a.m. and resumed at 11 a.m.*

Election of the Chairperson and other officers of the Committee

14. **Ms. Wedgwood** nominated Sir Nigel Rodley as Chairperson in view of his extensive experience in the field of human rights, which included eight years as a member of the Committee, 17 years as a legal adviser to Amnesty International and over 25 years in total as a human rights educator.

15. Moreover, it was important that candidates should be elected on their merits and not on the basis of a rigid system of geographical rotation, particularly since the Committee did not have a tradition of electing its chairpersons on the basis of regional quotas and had never clearly agreed to the adoption of such a principle. However, if equitable geographical distribution was to be a factor, it should also be recalled that the Committee had never elected a chairperson from the United Kingdom.

16. **Mr. Bhagwati** said that while he had the highest regard for Sir Nigel Rodley, he wished to nominate Mr. Iwasawa as Chairperson since an expert from Japan had not been given the opportunity to serve as Chairperson of the Committee for a number of years.

17. **Ms. Motoc** said that it was important to preserve a balance in the use of regional rotation; for example, the Committee had never had a chairperson from the Group of Eastern European States. Furthermore, while regional rotation for members of the Bureau was a good idea, it was also important to take potential members' experience into account during the selection process.

18. **Mr. Amor** said that, since all members of the Committee possessed the requisite qualifications and experience to serve as Chairperson, the rule of rotation should apply. That rule was designed to ensure a smooth transition, and had, with one exception, always been applied. Moreover, members of the Committee were independent experts and not representatives of their country; considerations based on the periodic reports of States parties were therefore not relevant.

19. **Mr. Thelin** said that he fully recognized the eminent qualities of Sir Nigel Rodley and did not think that the rule of geographical rotation should be applied automatically. However, if he were elected, he would be the third European to hold the office over a short period. He therefore supported the nomination of Mr. Iwasawa.

20. **Ms. Chanet** said that there was little point in referring to unwritten rules. She supported the nomination of Sir Nigel Rodley for the same reasons as Ms. Wedgwood. With regard to the other officers of the Committee, she was in favour of equitable geographical distribution and gender balance; she therefore nominated Ms. Majodina as a member of the Bureau.

21. **Mr. Amor** said that the matter of the Chairperson should be settled by a vote.

22. **Ms. Wedgwood** said that it had often been suggested that the Committee undertake an open discussion of its working methods, including the principle of rotation, rather than leave such issues to be addressed by the membership informally. The principle of rotation by geographical region had not in fact been

respected in the past. She cited the case of Mr. Rivas Posada who had very ably served two terms as Chairperson.

23. **The Temporary Chairperson** invited the Committee to elect a Chairperson by secret ballot.

24. *At the invitation of the Temporary Chairperson, Ms. Prouvez (Secretary of the Committee) acted as teller.*

25. *A vote was taken by secret ballot.*

Number of ballot papers:	16
Number of valid ballots:	16
Number of members voting:	16
Required majority:	9
Number of votes obtained:	
Mr. Iwasawa:	11
Sir Nigel Rodley:	5

26. *Having obtained the required majority, Mr. Iwasawa was elected Chairperson.*

27. *Mr. Iwasawa (Chairperson) took the Chair.*

28. **The Chairperson** thanked the Committee for the confidence it had shown in him and said that he would make every effort to live up to its expectations by serving in an efficient and democratic manner and promoting a spirit of collegiality. He called for nominations for three Vice-Chairpersons and one Rapporteur to complete the Bureau.

29. **Ms. Wedgwood** congratulated the Chairperson on his election and said that she looked forward to working with him to improve the Committee's working methods.

30. **Mr. Amor** said that, while all the members of the Committee were well qualified to serve in the Bureau, the main concern should be to ensure continuity.

31. **Ms. Motoc** said that she would welcome a more open discussion of the Committee's methods of work, particularly with a view to ensuring greater transparency in decision-making and fewer cases of members vested with more than one function.

32. **Sir Nigel Rodley** congratulated the Chairperson on his election and assured him of his full collaboration.

33. **Mr. Salvioli** said that he looked forward to working with the other members to advance the goals of the Covenant. He nominated Mr. Pérez Sánchez-Cerro as a member of the Bureau.

34. *The meeting was suspended at 12 noon and resumed at 12.20 p.m.*

35. **Mr. Amor**, seconded by **Mr. O'Flaherty**, nominated Ms. Majodina, Mr. Pérez Sánchez-Cerro and Sir Nigel Rodley as Vice-Chairpersons and Ms. Motoc as Rapporteur.

36. **The Chairperson** said he took it that the Committee wished to elect the nominees by acclamation.

37. *It was so decided.*

Adoption of the agenda

38. *The agenda was adopted.*

Organizational and other matters

39. **The Chairperson** said that the delegation of Rwanda had not been able to travel to New York in time for consideration of Rwanda's third periodic report at the afternoon meeting and that the Bureau would consequently need to modify the Committee's programme of work.

40. **Ms. Wedgwood** said that, in view of the situation in Rwanda, it was of the utmost importance for the Committee to give its attention to that country at its current session, even if that made it necessary to set other work aside.

The discussion covered on the summary record ended at 12.30 p.m.